



S U P P L E M E N T N o . 2
T O
THE SOVEREIGN BASE AREAS GAZETTE
No. 716 of 12th August, 1985.
L E G I S L A T I O N

ORDINANCE 10 OF 1985.

AN ORDINANCE

TO AMEND AND CONSOLIDATE THE LEGISLATION RELATING
TO BETTING HOUSES, GAMING HOUSES AND GAMBLING.

H. D. A. LANGLEY,
ADMINISTRATOR.

3rd August, 1985.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows :—

1. This Ordinance may be cited as the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance, 1985. Short title.
2. In this Ordinance unless the context otherwise requires— Interpretation.
“betting house” means any place which is used—
 - (a) for the purpose of bets being made therein between persons resorting to the place and—
 - (i) the owner, occupier or keeper of the place or any person using the place ; or
 - (ii) any person procured or employed by, or acting for or on behalf of, any such owner, occupier or keeper or person using the place ; or
 - (iii) any person having the care or management or in any manner conducting the business of the place ; or
 - (b) for the purpose of any money or other property being paid or received therein by or on behalf of the owner, occupier or keeper or person using the place, as, or in consideration—

(i) for an assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter any money or other property or any event or contingency of, or relating to, any horse race or other race, fight, game, sport or exercise ;

or

(ii) for securing the paying or giving by some other person of any money or other property on any such event or contingency ;

“gamble”, with its grammatical variations and cognate expressions, means to play at, or engage in, any game of chance or of mixed chance and skill, for money or money’s worth :

Provided that the playing at, or engaging in, any such game shall not be deemed to be gambling if the person playing at, or engaging in, the same proves to the satisfaction of the Court trying the offence that, having regard to the circumstances including the stakes, he was playing at, or engaging in, such game for social amusement and recreation and not for gain ;

“gaming house” includes any place kept or used for gambling and a place shall be deemed to be used for gambling if it is used for gambling even on one occasion only ;

“place” includes any house, office, room or building and any place or spot, whether open or enclosed and includes any vehicle and any ship, boat or other vessel whether afloat or not but shall not include a street ;

“street” includes any road, square, pathway, blind-alley, footway, pavement, public garden and any other open space to which the public has free access.

3.—(1) Any person who—

- (a) being the owner or occupier of any place or having the use temporarily or otherwise thereof, keeps or uses such place as a betting house or a gaming house or for playing at any of the games to which Section 6 of this Ordinance applies ; or
- (b) permits a place of which he is the owner or occupier or of which he has the use temporarily or otherwise to be used as a betting house or a gaming house or for playing at any of the games to which Section 6 of this Ordinance applies ; or
- (c) has the care or management of, or in any manner assists or is engaged in the management of, a place kept or used as a betting house or a gaming house or for playing at any of the games to which Section 6 of this Ordinance applies,

shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such imprisonment and fine.

(2) Any person who appears, acts or behaves as master or as the person having the care or management of any place kept or used as in subsection (1) of this Section provided shall, for the purposes of this Section, be deemed to be the keeper thereof, whether he is or is not the real keeper.

(3) No prosecution relating to the carrying on of a lottery under this Section shall be instituted except by or with the consent of the Legal Adviser.

4. Any persons gambling or assembled together for the purpose of gambling in a gaming house shall be guilty of an offence under this Ordinance.

Gambling in gaming house.

5. Any persons gambling or assembled together for the purpose of gambling in any street shall be guilty of an offence under this Ordinance.

Gambling in street.

6.—(1) Any person, wherever found, playing at any of the games commonly known as "cholo", "kazandi", "zari" or "roulette" or any other similar game which in the opinion of the Court trying the offence is a variation of any of such games or assembled together for the purpose of playing at any such game or any variation thereof as hereinbefore provided, shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such imprisonment and fine.

Provisions relating to certain specific games.

(2) The Administrator may, by Order, declare any game to be a game for the purposes of subsection (1) of this Section in addition to the games specified therein and thereupon the provisions of subsection (1) of this Section shall apply to such game as they apply to the games specified in such subsection.

(3) Any person who, in any street, club, coffee-shop, hotel or khan or a place licensed for the sale of intoxicating liquors by retail or a place of public resort or public entertainment, is in possession of any instruments or appliances used or appearing or intended to be used or to have been used for the playing of any of the games to which this Section applies, shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such imprisonment and fine.

7.—(1) Any person who—

(a) manipulates or actuates any gaming machine or assembles together with other persons for the purpose of manipulating or actuating any such machine at any place ;

or

(b) has under his control or possession any such machine ; or

(c) imports or manufactures any such machine,

Gaming machines.

shall be guilty of an offence and shall be liable to imprisonment not exceeding two years or to a fine not exceeding two hundred pounds or to both such imprisonment and fine and in addition the Court upon a conviction for such an offence may order that the gaming machine in relation to which the offence has been committed shall be forfeited.

(2) For the purposes of this Section "gaming machine" means any machine for playing a game of chance which requires no action by any player other than the actuation or manipulation of the machine and includes without prejudice to the generality of the definition and for the removal of doubt :—

- (a) a machine for the delivery of articles therefrom if by a simple insertion in the slot thereof of a coin or of an object having a similar resemblance and shape it does not automatically supply the manipulator with articles of equivalent value ;
- (b) a machine commonly known or referred to as "bingo" notwithstanding any readjustment or variation thereof intended to make it resemble a machine commonly known as "flipper" ;
- (c) a machine commonly known or referred to as "crane" ;
- (d) any other machine for playing a game of chance which in the opinion of the Court trying the issue is a variation of any of the machine described in paragraphs (a) to (c) inclusive of this subsection ; and
- (e) any accessories of such a gaming machine.

Special provisions in relation to gaming machines in premises owned or occupied by the Crown.

8.—(1) Notwithstanding the provisions of Section 7 of this Ordinance, the Administrator may, under such conditions as he may impose, permit in writing the control or possession in or importation directly into, the Areas of a gaming machine solely for use in premises, specified by the Administrator, owned or occupied by the Crown in right of Her Majesty's Government in the United Kingdom ; and

(2) Subject to the provisions of this Section, no person shall be guilty of an offence contrary to the said Section 7 in relation to the control or possession or importation of a gaming machine in respect of which a permit has been issued under the provisions of subsection (1) of this Section if he proves that none of the conditions contained in, or imposed by the Administrator under the provisions of, the said subsection (1) has been breached :

Provided that no person shall be prosecuted for an offence contrary to Section 7 of this Ordinance in relation to a gaming machine in respect of which the Administrator has issued a permit under the provisions of subsection (1) of this Section, unless the Legal Adviser has consented in writing to such prosecution.

Amusement machines.

9.—(1) Any person who has under his possession or control any amusement machine or permits or causes any such machine to be installed or used in any premises which are under his possession or control otherwise than in accordance with the terms prescribed in subsection (2) of this Section shall be guilty of an offence and shall be liable to imprisonment not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and fine and in addition the Court upon conviction for such an offence may order that the machine in relation to which the offence has been committed shall be forfeited.

(2) The terms prescribed in subsection (1) of this Section are as follows :—

- (a) a permit for such amusement machine shall be obtained from the Area Officer in whose area such machine is situated. Such permit shall be granted in the prescribed manner and form, on which the registration number of the machine shall be recorded, on payment of a fee of twenty pounds and shall be for the period ending 31st December in the year during which it is issued ; it shall be subject to renewal and may be granted under such conditions as the Area Officer may impose having regard to the public interest, public morals or public order :

Provided that no permit shall be granted or renewed unless the Area Officer is satisfied that the person applying for a permit is of good character and a fit person to hold such permit and that the premises are suitable and fit in all respects ;

- (b) no person under the age of sixteen shall be allowed to enter any premises where an amusement machine is installed :

Provided that this restriction shall not be applicable if, on the application of the occupier of such premises, the Area Officer considers that such premises are not being used exclusively for the operation of amusement machines;

- (c) the person in charge of the premises and the machines shall be over twenty-five years of age and of good character ;
- (d) each amusement machine shall operate only in the Area in which a permit has been issued in respect thereof ;
- (e) the registration number shall be engraved on each amusement machine ;
- (f) every such amusement machine shall be installed or used for amusement only and not by any person for the purpose of gain or monetary or other consideration.

(3) Any person who manipulates or actuates or assembles together with other persons for the purpose of manipulating or actuating any amusement machine in contravention of subsections (1) and (2) of this Section shall be guilty of an offence and shall be liable to the penalties provided in the said subsection (1) and in addition the Court upon a conviction for such an offence may order that the machine in relation to which the offence has been committed shall be forfeited.

(4) For the purposes of this Section "amusement machine" means the machine commonly known or referred to as a "flipper" or any other machine which is designed to provide simple amusement by manipulation and not gain or other monetary consideration and the use of which requires further manipulation by the player other than actuation and provides adequate possibilities of exercising skill by the manipulator, or any other machine which, by whatever name it is commonly known or referred to, is essentially the same or is a close adaptation of the said machine and includes any accessory or spare part of such machine :

Provided that no amusement machine shall be installed or used by any person other than for amusement and not for the purpose of gain or monetary or other consideration in which case such person shall be guilty of an offence and shall be liable to the penalties provided in subsection (1) of this Section and subsection (3) of this Section shall be similarly applicable.

Power of Court to rescind permits in certain cases.

10. Any permit granted under sub-paragraph (a) of subsection (2) of Section 9 of this Ordinance may be rescinded by the Court upon the conviction of any person for an offence under the provisions of this Ordinance.

Warrants.

11. Any Judge or the senior officer in charge of the police in the Area, on being satisfied, upon a written information on oath, that there is reasonable ground for believing that any place is kept or used as a betting house, a gaming house or for playing at any of the games to which Section 6 or 9 of this Ordinance applies may, by warrant, authorise any police officer with such assistance and by such force as may be necessary, by day or by night, to enter or go to such place and to search the same and all persons found therein and to seize all instruments and all money, securities for money and other articles used or appearing or intended to be used or to have been used for betting, gambling or for playing at any of the games to which Section 6 of this Ordinance applies which may be found in such place or in the possession of any person found therein or escaping therefrom and also to detain all such persons until they and the place shall have been searched.

Entry without warrant.

12.—(1) Notwithstanding anything in this or any other Ordinance contained, it shall be lawful for any member of the Police Force in charge of a station and for any police officer of or above the rank of Sergeant, whether in uniform or not, with such assistance and by such force as may be necessary, by day or by night, without warrant, to enter and search any place which he has reasonable ground for believing is kept or used as a betting house or a gaming house or for playing at any of the games to which Section 6 or 9 of this Ordinance applies, in each of the following cases, that is to say—

- (a) if the place proposed to be entered and searched is a club, coffee-shop, hotel or khan or a place licensed for the sale of intoxicating liquors by retail or a place of public resort or public entertainment; or
- (b) if the owner, occupier, keeper or manager of the place proposed to be entered has, within the preceding twelve months, been convicted under the provisions of this Ordinance.

(2) Every officer acting under the provisions of subsection (1) of this Section shall, upon entry, have the same powers of search, detention and seizure as may be exercised by a police officer authorised by warrant under the provisions of Section 11 of this Ordinance.

Power of arrest, without warrant, etc.

13. Any police officer, whether in uniform or not, may arrest without warrant any person whom he finds committing an offence under the provisions of Section 5, 6, 7 or 9 of this Ordinance and may seize any money or other thing used as stakes and any instruments used or appearing or intended to be used or to have been used in the commission of the offence.

14. Any person who wilfully prevents, obstructs or delays any police officer or any of his assistants exercising any of the powers conferred under the provisions of this Ordinance or who uses any means or contrivance whatsoever for preventing, obstructing or delaying any such officer or any of his assistants in the exercise of any such powers, shall be guilty of an offence under the provisions of this Ordinance.

Obstruction
of police
officers.

15. Any person who—

- (a) instigates or promotes the commission of an offence punishable under the provisions of this Ordinance ; or
- (b) keeps watch in order to warn, or warns, of risk of detection, persons committing an offence punishable under the provisions of this Ordinance,

Instigating,
etc., offences
under this
Ordinance.

shall be guilty of an offence and shall be liable to the same punishment as if he had himself committed the offence in respect of which he did any of the acts hereinbefore set out.

16.—(1) Every place entered under the provisions of this Ordinance, in so far as they relate to a gaming house, shall be presumed, until the contrary is proved, to be a gaming house and to be kept or used by the owner, occupier or manager thereof as a gaming house, in any of the following cases, that is to say—

Presumptions.

- (a) if any instruments or appliances for gambling are found therein or upon any person found therein or escaping therefrom ; or
- (b) if any police officer acting under the provisions of this Ordinance or any of his assistants is wilfully prevented from, or obstructed or delayed in, entering, or approaching the same or any part thereof ; or
- (c) if any passage or staircase or means of access to any part thereof is unusually narrow or steep or otherwise difficult to pass or any part thereof is provided with unusual or unusually numerous means of preventing, obstructing or delaying an entry or with any contrivance for enabling persons therein to see or ascertain the approach or entry of persons or for giving the alarm or for facilitating escape therefrom ; or
- (d) if any persons are seen or heard escaping therefrom.

(2) Any person found in, or escaping from, a gaming house on the occasion of its being entered under the provisions of this Ordinance, shall be presumed, until the contrary be proved, to be or to have been gambling therein.

(3) The presumptions in subsections (1) and (2) of this Section shall apply *mutatis mutandis* to any place entered in connection with the playing of any of the games to which Section 6 or 9 of this Ordinance applies and to any person found therein or escaping therefrom, as they apply to a gaming house and to persons gambling therein.

17.—(1) Whenever two or more persons are charged with any offence under this Ordinance, the Court trying the offence may, notwithstanding anything in any other Ordinance contained, upon

Offenders as
witnesses for
prosecution.

a request made by or with the consent in writing of the Legal Adviser, require one or more of such persons to give evidence, as witness or witnesses for the prosecution and any such person who refuses to be sworn or to answer any lawful question shall be guilty of an offence under the provisions of this Ordinance.

(2) Any person so required to give evidence, who shall in the opinion of the Court make true and full discovery of all things as to which he is lawfully examined, shall be entitled to receive a certificate to that effect under the hand of the Judge trying the offence and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid.

General penalty.

18. Any person who is guilty of an offence under the provisions of this Ordinance, in respect of which no specific punishment has been provided, shall be liable to imprisonment not exceeding six months or to a fine not exceeding three hundred pounds or to both such imprisonment and fine.

Forfeiture of things seized.

19. In addition to any punishment for any contravention of this Ordinance, upon conviction of the offender, anything seized by any police officer, acting under the provisions of this Ordinance, which in the opinion of the Court was used or appeared or was intended to be used for, or in connection with, the offence of which the offender was convicted, may be adjudged by the Court to be forfeited.

Reward to informers.

20. A reward not exceeding one-half of the fine levied may, at the discretion and by the direction of the Court trying the offence, be awarded to any person or persons who shall have given information which led to the apprehension and conviction of the offender.

Regulations.

21. The Administrator may make Regulations, to be published in the Gazette, which may provide for all or any of the following matters :—

- (a) prescribing anything which, under the provisions of Section 9 of this Ordinance, is required to be prescribed ;
- (b) regulating the grant of permits under the provisions of Section 9 of this Ordinance ;
- (c) regulating the registration of amusement machines ; and
- (d) generally for the better carrying into effect of the provisions of Section 9 of this Ordinance.

Repeal.

Cap. 151 (Laws of Cyprus) and Ordinances 7 of 1965 and 2 of 1978.

22. The Betting Houses, Gaming Houses and Gambling Prevention Ordinance is hereby repealed without prejudice to anything done or left undone thereunder.

3rd August, 1985.

(173/6A)

A. J. CRAGG,
Chief Officer.